

REMARKS

Claims 1-54 are pending in the above-identified application. Claims 1, 2, and 45 are argued in the Office Action. Claim 1 is independent. Claims 3-44 and 46-54 have been withdrawn from consideration.

Comments on Restriction Requirement

Applicant submits that because claims 1 and 2 are generic, if either of these claims are held allowable, consideration of allowability of all species is respectfully requested (**M.P.E.P. 809.02(c)(B)**).

In addition, Applicant notes that species III was alleged in the restriction requirement as corresponding to Figure 4. Applicant notes that claims 10 and 18 correspond to Figure 4 (e.g., including current control switch 13), and accordingly requests that claims 10 and 18 be included in the set of elected claims. Thus, in addition to claims 1, 2, and 45, Applicant respectfully requests that claims 10 and 18 be examined as being drawn to species III.

Claim Rejection – 35 U.S.C. 102

Claims 1, 2, and 45 have been rejected under 35 U.S.C. 102(e) as being anticipated by JP 2003-46352. Applicant respectfully submits that the rejection is improper.

As has been stated in the Office Action, 35 U.S.C. 102(e) applies to applications for patent filed in the United States or international applications designating the United States. 35 U.S.C. 102(e) does not apply to foreign documents.

Because 35 U.S.C. 102(e) applies only to U.S. applications, the Japanese document is not statutory prior art under 35 U.S.C. 102(e). Furthermore, the publication date of the Japanese document is 2003-02-14, while the filing date of the present application is 2002-02-28. Thus, the present application has an earlier filing date than the publication date of the Japanese document. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

Should the Examiner have any questions concerning this application, the Examiner is invited to contact Robert W. Downs (Reg. No. 48,222) at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully Submitted,

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